

SUMMARY OF PROPOSED COMMITTEE DRAFT:

**RESOLUTION 17-276
PROPOSING AN AMENDMENT TO CHAPTER 21,
REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE),
RELATING TO DETACHED DWELLINGS.**

THE PROPOSED CD1 makes the following amendments:

- A. In the ninth WHEREAS clause of the resolution, adds that the Council desires to require a conditional use permit (major) for large detached dwellings.
- B. In the proposed bill attached as Exhibit A, adds a new SECTION 2, which revises Table 21-3 ("Master Use Table") by amending the "Dwellings and Lodgings" category to revise the "Dwellings, detached, one-family" and "Dwellings, detached, two-family" uses, and by adding a footnote 3, to require a CUP (major) for large detached dwellings.
- C. In the proposed bill attached as Exhibit A, adds definitions of "bedroom" and "large detached dwelling."
- D. Makes miscellaneous technical and nonsubstantive amendments.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 17-276, CD1

RESOLUTION

PROPOSED

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO DETACHED DWELLINGS.

WHEREAS, the City's zoning maps and the Land Use Ordinance ("LUO") establish zoning districts and zoning district regulations for the utilization of land in the City pursuant to Section 6-1514 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition); and

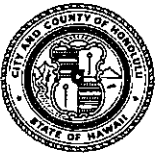
WHEREAS, each zoning district is designated for certain uses and restricted for other uses in order to encourage orderly development in accordance with adopted land use policies, including the Oahu general plan, and the applicable development plans or sustainable community plans, and to promote and protect the public health, safety, and welfare; and

WHEREAS, the residential districts (R-3.5, R-5, R-7.5, R-10, and R-20) are generally intended for development of one- and two-family detached dwelling units, and a "detached dwelling" is defined as a building containing one or two dwelling units, entirely surrounded by yards or other separation from buildings on adjacent lots. Multifamily dwellings (consisting of three or more dwelling or lodging units) are not permitted in the residential districts; and

WHEREAS, the apartment districts are generally intended for development of multifamily dwelling units, including walk-up and high-rise apartments; and

WHEREAS, communities in residential districts throughout the City have reported development of large residential structures, some with upwards of 20 bedrooms, and multiple kitchens and wet bars, which appear to be intended for use as apartment dwellings in violation of the LUO; and

WHEREAS, in most cases where large residential structures have been built, the Department of Planning and Permitting ("DPP") has approved building permits and certificates of occupancy for such structures based on compliance with zoning regulations, which do not restrict the number of bedrooms or wet bars allowed in residential districts, and do not increase off-street parking requirements for large detached dwellings, based on the assumption that there will be no illegal multifamily use; and



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WHEREAS, in cases reported by the community and in news reports, these large residential structures are later illegally converted to use as long-term rental apartment buildings, housing multiple families in violation of law, or are used illegally as short-term transient vacation rentals; and

WHEREAS, the DPP, upon receiving complaints from the community, has cited landowners for violations in cases where the department was able to determine that a violation occurred, however the number of large residential structures in residential districts appears to be increasing; and

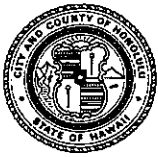
WHEREAS, to address the rapidly increasing rate of development of large detached dwellings in residential districts, and the impacts thereof on the surrounding communities, the City Council desires to limit the number of bedrooms and wet bars allowed in detached dwellings, require a conditional use permit (major) for large detached dwellings, and increase the off-street parking requirements for large detached dwellings; and

WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Charter"), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, the term "zoning ordinances," as used in Charter Section 6-1513 includes both amendments to the LUO and to ordinances designating particular parcels of property in terms of the LUO; and

WHEREAS, Chapter 2, Article 24, Part A, Revised Ordinances of Honolulu 1990 ("ROH"), establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to Charter Section 6-1513, and ROH Chapter 2, Article 24, Part A, to process the proposed amendment to ROH Chapter 21 (the "Land Use Ordinance"), attached hereto as Exhibit A, in the same manner as if the proposal had been proposed by the Director; and



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BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, Part A, the Clerk shall transmit copies of this resolution and the Exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and shall advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

Trevor Ozawa

DATE OF INTRODUCTION:

October 4, 2017

Honolulu, Hawaii

Councilmembers

EXHIBIT A



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CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

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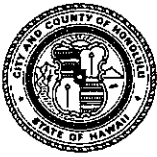
A BILL FOR AN ORDINANCE

RELATING TO DETACHED DWELLINGS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address the problem of the illegal use of large residential structures in residential districts.

SECTION 2. Table 21-3 ("Master Use Table"), Revised Ordinances of Honolulu 1990, is amended by amending the "Dwellings and Lodgings" category to revise the "Dwellings, detached, one-family" and "Dwellings, detached, two-family" uses to read as follows:



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**"TABLE 21-3
MASTER USE TABLE**

In the event of any conflict between the text of this Chapter and the following table, the text of the Chapter shall control. The following table is not intended to cover the Waikiki Special District; please refer to Table 21-9.6(A).

KEY: Ac = Special accessory use subject to standards in Article 5
Cm = Conditional Use Permit-minor subject to standards in Article 5; no public hearing required (see Article 2 for exceptions)
C = Conditional Use Permit-major subject to standards in Article 5; public hearing required
P = Permitted use
P/c = Permitted use subject to standards in Article 5
PRU = Plan Review Use

ZONING DISTRICTS																					
USES (Note: Certain uses are defined in Article 10.)	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1
DWELLINGS AND LODGINGS																					
Dwellings, detached, one-family				P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}			P C _{dw}					
Dwellings, detached, two-family					P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}	P C _{dw}			P C _{dw}					

Where a proposed use is not specifically listed above, the director shall review the proposed use and, based on its characteristics and its similarity to the uses listed above, shall determine the regulatory requirements for that use.

¹Commercial use subject to special density controls (see Table 21-3.3 and Section 21-3.90(c)(4)).

²Commercial use subject to special density controls (see Table 21-3.5 and Section 21-3.140-1(c)).

³"C" for detached dwellings that are "large detached dwellings" as defined in Section 21-10.1.



A BILL FOR AN ORDINANCE

SECTION 3. Section 21-3.70-1, Revised Ordinances Honolulu 1990 ("Residential uses and development standards"), is amended by amending subsection (c) to read as follows:

"(c) Additional Development Standards.

- (1) **Maximum Height.** The maximum height of structures ~~[shall]~~ will be determined by the building envelope created as the result of the intersection of two planes. The first plane ~~[shall]~~ will be measured horizontally across the parcel at 25 feet above the high point of the buildable area boundary line. The second plane ~~[shall]~~ will run parallel to grade, as described in Section 21-4.60(b), measured at a height of 30 feet. If the two planes do not intersect, then the building envelope ~~[shall]~~ will be determined by the first plane (see Figure 21-3.10).
- (2) **Height Setbacks.**
 - (A) Any portion of a structure exceeding 15 feet ~~[shall]~~ must be set back from every side and rear buildable area boundary line one foot for each two feet of additional height over 15 feet (see Figure 21-3.10); and
 - (B) Any portion of a structure exceeding 20 feet ~~[shall]~~ must be set back from the front buildable area boundary line one foot for every two feet of additional height over 20 feet.
- (3) Bedrooms. The number of bedrooms in each dwelling unit cannot exceed _____.
- (4) Wet Bars. The number of wet bars in each dwelling unit cannot exceed _____."



A BILL FOR AN ORDINANCE

SECTION 4. Table 21-6.1, Revised Ordinances of Honolulu 1990 ("Off-street Parking Requirements"), is amended by amending the "Dwellings, detached, duplex and farm" use entry in the "Dwellings and Lodgings" category to read as follows:

"

Table 21-6.1 Off-street Parking Requirements	
Use ¹	Requirement ²

DWELLINGS AND LODGINGS

Dwellings, detached, duplex and farm	2 per unit plus 1 per [1,000] <u>500</u> square feet over 2,500 square feet (excluding carport or garage)]
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"

SECTION 5. Section 21-10.1, Revised Ordinances Honolulu 1990 ("Definitions"), is amended by adding definitions of "bedroom," "large detached dwelling," and "wet bar" to read as follows:

"Bedroom" means a habitable room in a dwelling unit, other than a kitchen or bathroom, that is susceptible to present or future use as a sleeping area and has an available bathroom located within the dwelling unit."

"Dwelling, Large Detached. "Large detached dwelling" means a one-family detached dwelling containing more than _____ bedrooms, or a two-family detached dwelling in which any dwelling unit contains more than _____ bedrooms."

"Wet bar" means a bar or serving counter in a dwelling or lodging unit that is equipped with a sink and running water."

SECTION 6. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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A BILL FOR AN ORDINANCE

SECTION 7. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

Mayor
City and County of Honolulu